

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAVIER SANTANA,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE
AND NATIONAL DEFAULT
SERVICING CORP., *et al.*,

Defendants.

Case No. 2:11-CV-0580-KJD-CWH

ORDER

Presently before the Court is Defendant Wells Fargo Home Mortgage's Motion for Summary Judgment (#30). Defendant National Default Servicing Corporation filed a Joinder (#3) to the motion. Though the time for doing so has passed, Plaintiff has entirely failed to respond in any way to Defendant Wells Fargo's motion. Additionally, on November 11, 2010, Defendants filed a Motion for Discovery Sanctions (#32). Plaintiff failed entirely to respond to or oppose that motion. The Magistrate Judge held a hearing on January 4, 2011. Plaintiff failed to attend that hearing. As a result, the magistrate judge granted the motion for sanctions.

Having reviewed the entire record in the absence of a response from Plaintiff, the Court has determined that the only possible argument that Plaintiff may raise in defense of his claims is his assertion in response (#20) to Defendant Wells Fargo's Motions to Dismiss (#4/17) that National

1 Default Servicing Corporation did not have authority to act when it recorded the Notice of Default
2 and Election to Sell on July 24, 2009. However, Plaintiff has entirely failed to counter in any way
3 Defendants' assertions in the motion for summary judgment and joinder that they acted with
4 authority. Parties opposing motions for summary judgment must produce specific facts, by affidavit
5 or other evidentiary materials as provided by Rule 56(e), showing there is a genuine issue for trial.

6 See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 256 (1986).

7 In this action, Plaintiff failed to conduct or cooperate in discovery in any meaningful manner,
8 resulting in the magistrate judge granting the motion for sanctions. Thus, his failure to oppose
9 Defendant's motion for summary judgment with any response, let alone admissible evidence, is fatal
10 to his complaint. In accordance with Local Rule 7-2(d), and on the merits of the action, the Court
11 grants Defendant Wells Fargo's Motion for Summary Judgment.

12 Accordingly, IT IS HEREBY ORDERED that Defendant Wells Fargo Home Mortgage's
13 Motion for Summary Judgment (#30) is **GRANTED**;

14 IT IS FURTHER ORDERED that all other outstanding motions are **DENIED as moot**;

15 IT IS FURTHER ORDERED that the Clerk of the Court enter **JUDGMENT** for Defendants
16 Wells Fargo Home Mortgage and National Default Servicing Corporation and against Plaintiff.

17 DATED this 10th day of January 2012.

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21 Kent J. Dawson
22 United States District Judge
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